

### **REMARKS**

Claims 1-5 and 12-20 are rejected under the doctrine of obviousness-type double patenting. Applicant submits herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the rejection. Hence, Applicant respectfully requests that the Patent Office withdraw the double patenting rejection under 35 U.S.C. § 101 and further requests reconsideration of pending claims 1-5 and 12-20.

The terminal disclaimer filed on 9/15/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,638,580 B2 was reviewed and not accepted. A new terminal disclaimer signed by a recognized officer who is empowered to sign terminal disclaimers and/or act on behalf of this organization is hereby submitted with this response.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely 1-5 and 12-20, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 8, 2004.

Nadya Gordon 11/5/04  
Nadya Gordon Date